

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CYNTHIA ANN REDUS-TARCHIS,
FREDRIC and BONNIE OLIVER, and
VICTOR and LINDA MILLER,

Plaintiffs,

v.

NEW YORK LIFE INVESTMENT
MANAGEMENT, LLC,

Defendant.

Civil No. 2:14-cv-07991-WHW-CLW

Filed Electronically

JOINT STIPULATION AND ~~RECOMMENDATION~~ ORDER

WHEREAS, on December 23, 2014, Plaintiffs filed a Complaint (the "Complaint") against Defendant New York Life Investment Management, LLC ("Defendant") asserting claims on behalf of and for the benefit of three mutual funds pursuant to Section 36(b) of the Investment Company Act of 1940, 15 U.S.C. § 80a-35(b);

WHEREAS, the Summons and Complaint were served upon Defendant on January 2, 2015;

WHEREAS, pursuant to a Stipulation and Order entered on January 20, 2015 (the "January 20 Order"; Dkt. No. 5), Defendant's time to answer, move, or otherwise respond to the Complaint will expire on March 24, 2015;

WHEREAS, Plaintiffs have determined to amend the Complaint pursuant to Fed. R. Civ. P. 15(a)(1);

WHEREAS, the parties have agreed that Plaintiffs shall file an Amended Complaint no later than April 20, 2015;

WHEREAS, the parties have agreed that Defendant shall have sixty (60) days after the

filing of the Amended Complaint to answer, move, or otherwise respond to the Amended Complaint; and

WHEREAS, the parties have agreed that the briefing schedule set forth in the January 20 Order should be superseded by a new briefing schedule to accommodate Plaintiffs' forthcoming Amended Complaint;

NOW, THEREFORE, the parties hereby STIPULATE AND AGREE by and through their undersigned counsel and subject to the Court's approval that:

1. The briefing schedule set forth in the January 20 Order is no longer in effect, and Defendant shall not be obligated to answer, move, or otherwise respond to the original Complaint in this action.

2. Plaintiffs shall have until April 20, 2015 to file an Amended Complaint.

3. Defendant shall have until sixty (60) days after the filing of the Amended Complaint to answer, move, or otherwise respond to the Amended Complaint.

4. If Defendant responds to the Amended Complaint by any motion, (a) Plaintiffs shall file an opposition to such motion no later than 60 days after the filing of such motion; and (b) Defendant shall file a reply no later than 45 days after the filing of Plaintiffs' opposition.

Dated: March 10, 2015

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Attorneys for Plaintiffs

SO ORDERED.

Dated: March ²³__, 2015

A handwritten signature in dark ink, appearing to read "Cathy L. Waldor", is written over a horizontal line.

Honorable Cathy L. Waldor, U.S.M.J.